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Roebbelen Contracting, Inc.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re
PG&E Corporation,

Debtor-in-Possession.

Case No. 19-30088-DM
Chapter 11
Hon. Dennis Montali

In re
Pacific Gas and Electric Company,

Debtor-in-Possession.

Case No. 19-30089-DM
Chapter 11
Hon. Dennis Montali

- ☐ Affects PG&E Corporation
☒ Affects Pacific Gas and Electric Company
☐ Affects both Debtors

**ROEBBELEN CONTRACTING, INC.'S
FIFTEENTH NOTICE OF
CONTINUED PERFECTION OF
MECHANICS LIENS PURSUANT TO
§ 546(b)(2) AND REPORT OF
PAYMENTS RECEIVED**

Roebbelen Contracting, Inc. ("Roebbelen") hereby files its Fifteenth Notice of Continued Perfection of Mechanics' Liens Pursuant to § 546(b)(2) and Report of Payments Received (the "Notice") and in support thereof states as follows:

1. On January 29, 2019 (the "Petition Date"), the above-captioned debtors (the "Debtors") filed voluntary Chapter 11 bankruptcy petitions.

ROEBBELEN CONTRACTING, INC.'S FIFTEENTH NOTICE OF CONTINUED PERFECTION OF MECHANICS LIENS PURSUANT TO § 546(b)(2) AND REPORT OF PAYMENTS RECEIVED 1/3

2. As of the Petition Date, Roebbelen had approximately 80 projects under construction in support of the Debtors' strategic initiatives of safety, reliability, affordability, and consumer focus. The improvements performed by Roebbelen are designed to result in quicker response times, improved vehicle maintenance, better logistics for replacement materials, hazardous materials storage, and improvements to dispatch conference centers, including solutions for mapping, tracking outages, and safety trainings. Roebbelen's work also relates to a security program for these same facilities, which Roebbelen is informed and believes have been identified by the Department of Homeland Security as known targets, including upgrading their fencing and security systems to meet improved security standards.

3. Before and after the Petition Date, Roebbelen has provided labor, services, equipment, and materials for works of improvement owned by Pacific Gas & Electric Company located in the following counties, all of which are located in the State of California: Butte, Fresno, Monterey, Sacramento, Santa Barbara, Shasta, and Tehama (among others). Roebbelen has lien rights (collectively the "Liens") related to these works of improvement. *See* Cal. Civ. Code § 8050(a) (defining works of improvement).

4. Through the filing of this Notice, the amounts owing to Roebbelen on account of the Liens is at least \$1,728,648.96, not including interest and other charges, with additional amounts accrued and owed after the filing of this Notice.

5. Roebbelen properly perfected its Liens pursuant to California Civil Code §§ 8400 *et seq.* by timely recording its liens in the above-named counties. *See* Cal. Civ. Code § 8412 (establishing deadlines for contractor to record lien claims). Roebbelen may have also filed releases reflecting downward adjustments to some of the amounts originally claimed in the Liens. An index of the Liens and releases is attached as **Exhibit A** and authentic copies of the Liens and partial releases are attached as **Exhibit B** to this Notice.¹

¹ To the extent that there is a discrepancy between this Notice, the indexes attached as **Exhibits A and C**, and the recorded liens and releases attached as **Exhibits B and D**, the recorded documents shall control. Roebbelen reserves the right to modify the liens and releases, such as to increase or decrease the amount.

1 6. Roebbelen has received payment or partial payment on certain liens that were
2 noticed in previous filings with this Court.² A report of adjustments to the amounts owing on
3 previously noticed liens is attached as **Exhibit C** to this Notice. Authentic copies of the documents
4 underlying the adjustments are attached as **Exhibit D** to this Notice.

5 7. Pursuant to California Civil Code § 8460, an action to enforce a lien must be filed
6 within 90 days after recordation of the lien. The automatic stay imposed by 11 U.S.C. § 362(a)
7 precludes Roebbelen from filing an action to enforce its Liens. When applicable law requires
8 commencement of an action to perfect, maintain, or continue the perfection of an interest in
9 property, and the action was not filed prior to the bankruptcy petition date, then the claimant must
10 instead give notice within the time fixed by law for filing the action. 11 U.S.C. § 546(b); *Village*
11 *Nurseries v. Gould (In re Baldwin Builders)*, 232 B.R. 406, 410–15 (B.A.P. 9th Cir. 1999); *see Village*
12 *Nurseries v. Greenbaum*, 101 Cal. App. 4th 26 (2002).

13 8. Roebbelen hereby provides notice of its rights as a perfected lienholder pursuant to
14 California's law as to the Liens. To comply with all applicable law, including California state law and
15 bankruptcy law, 11 U.S.C. §§ 362(a), 362(b)(3), and 546(b)(2), Roebbelen is filing and serving this
16 Notice to preserve, perfect, maintain, and continue the perfection of its Liens and its lien rights in
17 the properties identified therein. This Notice constitutes the legal equivalent of having commenced
18 an action to foreclose the Liens in the proper court. Roebbelen intends to enforce its lien rights to
19 the fullest extent permitted by law. The interests perfected, maintained, and/or continued by the
20 Liens extend to the proceeds, products, rents, and profits of the lien properties.

21 9. Roebbelen reserves all rights, including the right to amend or supplement this
22 Notice.

23 Dated March 20, 2020

FINESTONE HAYES LLP

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25 Ryan A. Witthans
26 Counsel for Creditor
27 Roebbelen Contracting, Inc.

28 ² The relevant previous § 546(b) notices appear on the docket at ECF 3058 and 5952.
ROEBBELEN CONTRACTING, INC.'S FIFTEENTH NOTICE OF CONTINUED PERFECTION OF
MECHANICS LIENS PURSUANT TO § 546(b)(2) AND REPORT OF PAYMENTS RECEIVED 3/3